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wherein said microprocessor adjusts the time slot to a first time period if the data are not transmitted, and adjusts the time slot to a second time period if data are being transmitted;

wherein said microprocessor further determines whether the data being transmitted comprise a particular data type; and

wherein said microprocessor adjusts said time slot to a third time period, if the data comprise said particular data type.

16. (AMENDED) The system of claim 15, wherein said second time period is greater than said first time period.

REMARKS

It is noted that the Draftsperson reviewed the drawings and objected to the line weights, to the margins, to the lack of certain figure numbering and the to the character, legibility and size of reference characters. In addition, the Examiner noted reference characters in Fig. 2 which were duplicative or inconsistent with the description.

A set of formal drawings which replace the original informal drawings is enclosed in which each of the items objected to have been corrected. No new matter has been added. In addition, reference characters 15 and 19 in Fig. 1 have been interchanged; one reference character 35 has been changed to 36 in Fig. 2, and, in Fig. 5, reference characters 505 and 505a have been substituted for 503 and 506, respectively, in order to be consistent with the description.

The designation "FIG. 3C" has been added to a previously unnumbered diagram on the third sheet of the drawing. It is noted that the Draftsperson also indicated that Fig(s). 4 and 7 were "not labeled separately or properly". This objection is respectfully traversed since the vertically separated areas in those figures are not separate figures but, as shown by the dashed lines, all are part of a single diagrammatic illustration. A single figure number is therefore appropriate.

In the "Detailed Action", the Examiner objected to six "informalities" in the description. Each of those items has been corrected and the drawings and description are now believed to be consistent with each other.

An objection was made with respect to claims 2, 5, 13 and 16 regarding a lack of antecedent basis for the relative lengths of first and second time periods. Each of the appropriate claims has been amended to correct any such inconsistency.

Claims 4, 6, 15 and 17 were indicated to be allowable if rewritten in independent form. Claims 4 and 15 have been so rewritten and therefore should be allowed. Claims 5 and 16, although further rejected under 35 U.S.C. 103(a) on a combination of references, are noted to be dependent, like claims 6 and 17, respectively, on the allowable claims 4 and 15. It would therefore appear that claims 5 and 16, as amended, should be allowable without further amendment since they are dependent on allowable independent claims. Such action is respectfully requested regarding claims 5 and 16. Since claims 6 and 17 are then dependent on allowable independent and dependent claims (4 plus 5 and 15 plus 16, respectively), it is submitted that claims 6 and 17 should be allowed without being rewritten in independent form and such action is requested as well. Thus, allowance of claims 4-6 and 15 - 17 are requested as meeting all of the Examiner's requirements

Finally, claims 1-3 and 7-14 (all of the remaining claims) have been rejected under 35 U.S.C. 103 (a) as unpatentable over Turnbull et al (US 6088362) in view of Wilder et al (US 5128928). In the rejection, the Examiner expressly acknowledges that the principal reference, Turnbull et al, **“does not disclose expressly adjusting time slot to a second time period if data are not being transmitted in the time slot”** (Office Action, middle of page 4). The Examiner goes on to state that the secondary reference, Wilder et al., only discloses, in a different type of system, providing, **“additional slots for the movement of voice data ---or other functions”**. Thus, neither reference discloses *anything* about “adjusting a time slot to a second time period if data are not being transmitted in said time slot” (present claims, emphasis added). In fact, Turnbull only discloses providing fewer or more clock signals, “depending upon the time slot utilization” , without ANY adjustment of the time period of the time slot itself IN ANY CASE. Changing the number of clock signals as taught by Turnbull has nothing to do with “adjusting a time slot to second time period” as is presently claimed. Any possible combination of these two cited references simply falls short by a wide margin of disclosing or suggesting the step of adjusting which is set forth in the quoted language of the present claims.

It is noted that the Examiner has attempted to combine the teachings of the two references in order to demonstrate the “obviousness” of the claimed combinations. However, there is still a major gap between what is presently claimed and any combination of the teachings of the two references as is pointed out above.

In addition, in order to combine two or more references to support a conclusion that claimed subject matter would have been obvious, case law requires that there be a teaching, suggestion or inference in either or both references, or that

there be knowledge generally available in the art, to support combining relevant portions of the references. Ex parte Skinner, 2 U.S.P.Q.2d 1788 (B.P.A.I. 1986); Ex parte Rubin , 5 U.S.P.Q. 2d 1461 (B.P.A . I. 1987); and Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 U.S.P.Q. 2d 1434 (Fed. Cir. 1988). In order to establish a prima facie case of obviousness, the cited references when combined must teach or suggest all the claimed limitations; either the references themselves or the general knowledge available to one of ordinary skill in the art must suggest or motivate the claimed modification; and there must exist a reasonable expectation of success. See, In re Fine, 837 F.2d 1071, 5 U.S.P.Q. 2d1596 (Fed. Cir. 1988); In re Vaeck, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that the principal references (Turnbull and Wilder) do not satisfy the foregoing requirements of teaching, suggesting or inferring combining those references. Furthermore, it is respectfully submitted that a prima facie case of obviousness is not made out on the basis of Turnbull in view of Wilder since there is nothing which would suggest or motivate anyone to combine those references in a way which would be consistent with the present claims. Furthermore, there would be no reasonable expectation of success by combining those references since they are fundamentally incompatible and unworkable as a combination. Thus, there is a disincentive to make such a combination of those references. It is noted that the Examiner has acknowledged that the references do not disclose the claimed elements.

The Examiner attempts to leap the gap from Turnbull to Wilder by stating "Wilder discloses the system can be adjusted to provide additional slots ---for other functions" (emphasis added). This is NOT about "adjusting a time slot to a second time period if data are not being transmitted in said time slot" (present claims,

emphasis added). The Examiner further states "The suggestion/motivation to do so (combine the references) would have been to establish inter station frame synchronization". However, that "suggestion" is NOT found in the references. The Examiner then concludes " It would have been obvious to one skilled in the art to use shorter time slots because if there is no data transmission , the use of short time slots saves bandwidth". However, that is applicant's teaching and is not found in the references.

It is respectfully submitted that the Examiner has used Applicant's disclosure to modify the reference's teachings to something different and inconsistent with the references and to attempt to combine that modified (but undisclosed) structure/method in a fragmentary way with the secondary reference to accomplish something neither reference suggests or contemplates.

It is submitted that this combination of references in the manner proposed fails to follow the requirements of the patent case law as set forth above. Since the rejection of every one of the claims is based on this impermissible combination of Turnbull and Wilder, the Examiner acknowledges that neither reference alone meets the claims, and Applicant submits that the combination rejection should be withdrawn, it is respectfully requested that all of the claims be allowed.

In view of the significant differences in between the claims and the cited reference, all claims are submitted to be patentable over such references. It is submitted that all of the claims are fully supported by the disclosure as originally filed.

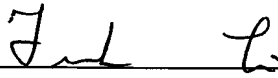
Please charge the applicable fees associated with the submittal of this Amendment to Deposit Account No. 07-0832. An original and one (1) copy of this document is enclosed.

Reconsideration of the rejection of claims 1 – 17 and allowance thereof are respectfully requested in view of the foregoing amendments, the comments and the requirements of the law. A favorable action is requested.

Respectfully submitted,

CLARENCE CLARLES RUDD ET AL.

By:


Frank Y. Liao, Attorney
Registration No.40,065
Phone: (609) 734-6821

Patent Operations
THOMSON multimedia Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

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AMENDMENTS TO CLAIMS

1. (AMENDED) The process for automatically adjusting a time period of a time slot in a communication channel, comprising the steps of:

determining whether data are being transmitted in a time slot in said communication channel;

adjusting said time slot to a first time period if data are not being transmitted in said time slot; and

adjusting said time slot to a second time period if data are [not] being transmitted in said time slot.

2. (AMENDED) The process of claim 1, wherein said [first] second time period is greater than said [second] first time period.

4. (AMENDED) The process [of claim 3 further comprising the step of] for automatically adjusting a time period of a time slot in a communication channel, comprising the steps of:

determining whether data are being transmitted in a time slot in said communication channel;

determining whether the data being transmitted comprises a particular data type;

adjusting said time slot to a first time period if data are not being transmitted in said time slot;

adjusting said time slot to a second time period if data are being transmitted in said time slot; and

adjusting said time slot to a third time period, if said data comprises a particular data type.

5. (AMENDED) The process of claim 4, wherein said [first] second time period is greater than said [second] first time period.

12. (AMENDED) The system of claim 11, wherein said microprocessor [adjusting] adjusts the time slot to a first time period if the data are not transmitted, and [adjusting] adjusts the time slot to a second time period if [no] data are being transmitted.

13. (AMENDED) The system of claim 12 wherein said [first] second time period is greater than said [second] first time period.

15. (AMENDED) [The] A system [of claim 14] for communicating data among different units, comprising:

a data channel having a plurality of time slots for transmitting and receiving data;

each unit comprising a microprocessor coupled to said data channel for monitoring and processing data;

said microprocessor adjusting a time period of one of said time slots depending on content of the time slot;

said microprocessor adjusting a time period of one of said time slots depending on content of the time slot;

wherein said microprocessor adjusts the time slot to a first time period if the data are not transmitted, and adjusts the time slot to a second time period if data are being transmitted;

wherein said microprocessor further determines whether the data being transmitted comprise a particular data type; and

wherein said [controller] microprocessor adjusts said time slot to a third time period, if the data comprise [a] said particular data type.

16. (AMENDED) The system of claim 15, wherein said [first] second time period is greater than said [second] first time period.

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Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

November 26, 2002
Date

Patricia M. Fedorowycz
Patricia M. Fedorowycz